

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
NISHIMURA, et al.
Serial No: Not Assigned; Parent 09/439,779
Filed: July 15, 2003
For: A Peptide and Osteogenetic
Accelerator

Art Unit: Not Assigned
Examiner: Not Assigned

TRANSMITTAL OF INFORMATION
DISCLOSURE STATEMENT

Mail Stop: PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sirs:

1. The information disclosure statement submitted herewith is being filed within three months of the filing date of the application other than a continued prosecution application, or within three months of the date of entry into the national stage of an international application, or before the mailing date of a first Office Action on the merits, or before the mailing of a first Office action after the filing of a request for continued examination under §1.114, whichever event occurs last. 37 C.F.R. §1.97(b).
2. The information disclosure statement transmitted herewith is being filed *after* the period specified in §1.97(b), but *before* the mailing date of a final action under §1.113, or a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, whichever occurs first. A statement specified in §1.97(e) or a fee set forth in §1.17(p) is included. 37 C.F.R. §1.97(c).

§1.97(e) STATEMENT

I, the person signing below, state:

that each item of information contained in the information disclosure statement was first cited in the attached communication from a foreign patent office in a counterpart foreign application and that the communication is dated not more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(1).

OR

that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification

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after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(2).

OR FEE

Attached is a fee set forth in 37 C.F.R. §1.17(p) for submission of an information disclosure statement under §1.97(c). (\$180.00). [OR:] Please charge the fee set forth in 37 C.F.R. §1.17(p) for submission of an information disclosure statement under §1.97(c) (\$180.00) to Deposit Account No. 50-1314. A copy of this petition is enclosed.

3. The information disclosure statement transmitted herewith is being filed *after* the period specified in §1.97(c), but before, or simultaneously with the payment of the issue fee. A statement specified in §1.97(e) and a fee set forth in §1.17(p) are included. 37 C.F.R. §1.97(d).

§1.97(e) STATEMENT

I, the person signing below, state:

that each item of information contained in the information disclosure statement was first cited in the attached communication from a foreign patent office in a counterpart foreign application and that the communication is dated not more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(1).

OR

that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(2).

AND FEE

Attached is a fee set forth in 37 C.F.R. §1.17(p) for submission of an information disclosure statement under §1.97(d). (\$180.00).

4. If it should be determined that for any reason either an insufficient fee or an excessive has been paid, please charge any insufficiency or credit any overpayment necessary to ensure consideration of the information disclosure statement for the above-identified application to Deposit Account No. 50-1314. **A copy of this petition is enclosed.**

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5. A list of 15 reference(s) is in the enclosed Form PTO-1449. Pursuant to 37 C.F.R. § 1.98(d), copies of the listed reference(s) are not provided since they were submitted in parent application Serial No. 09/439,779, the benefit of the filing date of which is claimed herein under 35 U.S.C. § 120.

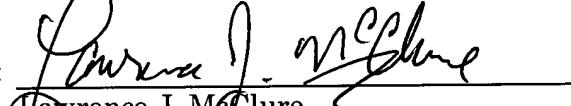
NON-ENGLISH LANGUAGE REFERENCES

Enclosed is a search report for a counterpart application. The search report Examiner has provided comments on the relevancy of any non-English language references cited in the search report.

The specification incorporates comments on the relevancy of Non-English language references.

Set forth below are comments provided by the applicant's home country counsel on the relevancy of non-English language references:

Respectfully submitted,
HOGAN & HARTSON L.L.P.

By: 
Lawrence J. McClure
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FORM PTO-1449		Docket Number (Optional) 81918.0003		Application Number Not Assigned; Parent 09/439,779		
INFORMATION DISCLOSURE CITATION IN AN APPLICATION		Applicant NISHIMURA, et al.				
(Use several sheets if necessary)		Filing Date July 15, 2003		Group Art Unit Not Assigned		
U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
FOREIGN PATENT DOCUMENTS						
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION (YES/NO)
	EP 99402815	09/11/00	EPO			
	6/298,800	10/25/94	Japan			
	10/070,989	03/17/98	Japan			
	06/296,677	10/25/94	Japan			
	07/246,235	09/26/95	Japan			
	07/116,240	09/05/95	Japan			
	07/088,174	04/04/95	Japan			
	10/151,188	06/09/98	Japan			
	WO 89/09787	10/19/89	WO			
	WO 89/09788	10/1989	WO			
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)						
	Database Biosis 'Online! Biosciences Information Service Philadelphia, PA, US: R. Bellamkonda, et al.: "Laminin oligopeptide derivatized agarose gels allow three-dimensional neurite extension in vitro" XP002145150 & J. Neuroscience Research, 1995, Vol. 41, pgs. 501-509					
	T.J. Gao, et al.: "Bone inductive potential and dose-dependent response of bovine bone morphogenetic protein combined with type IV collagen carrier" Annales Chirurgiae et Gynaecologiae, vol. 82, 1993, pages 77-84					
	S. Ijiri, et al., : "Ectopic bone induction in porous apatite-wollastonite-containing glass ceramic combined with bone morphogenetic protein" J. Biomed. Mater. Res., vol. 35, no. 4, 15 June 1997 (1997-06-15) pages 421-432					
	Novel Regulators of Bone Formation: Molecular Clones and Activities; Wozney, et al. / Science, Vol. 242: Research Articles, pgs. 1528-1534 / 12/16/88					
	"Recombinant human bone morphogenetic protein induces bone formation"; Wang, et al.; Proc. Natl. Acad.: Sci. USA, vol. 87, pp. 2220-2224, March 1990, Biochemistry					
EXAMINER		DATE CONSIDERED				
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.						